

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

BRIAN W. RAY

PETITIONER

VS.

2:20-CV-00136-JM-JTR

**DEWAYNE HENDRIX, Warden,
FCI – Forrest City**

RESPONDENT

RECOMMENDED DISPOSITION

The following Recommended Disposition (“Recommendation”) has been sent to United States District Judge James M. Moody, Jr. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the entry of this Recommendation. The failure to timely file objections may result in waiver of the right to appeal questions of fact.

I. Discussion

On June 23, 2020, Petitioner, Brian W. Ray (“Ray”) filed a *pro se* request for “immediate release” to home confinement that was docketed as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. *Doc. 1*.

On June 26, 2020, the Court entered an Order giving Ray until July 10, 2020, to either: (1) pay the \$5.00 filing fee in full; or (2) file a properly completed Application to Proceed *In Forma Pauperis*. *Doc. 2*. The Court advised Ray that if he failed “to timely and properly comply with this Order,” his habeas action could “be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).” *Id.*

As of the date of this Recommended Disposition, Ray has neither paid the filing fee nor filed an Application to Proceed *In Forma Pauperis*. The deadline for doing so has passed. Thus, the Court recommends that this case be dismissed, without prejudice, due to Ray’s failure to comply with Local Rule 5.5(c)(2).

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT the Petition for a Writ of Habeas Corpus be DISMISSED, WITHOUT PREJUDICE.

Dated this 14th day of July, 2020.


UNITED STATES MAGISTRATE JUDGE